

Filed on behalf of:

By:

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BOARD OF PATENT APPEALS AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Torczon)

NEC CORPORATION

(09/750,116), Junior Party,

v.

SHIN-ETSU CHEMICAL CO. LTD.

(6,280,898 B1) Senior Party.

Patent Interference No. 105,297

NEC MISCELLANEOUS MOTION 1 (to amend claim 15)

NEC MISCELLANEOUS MOTION 1

(to amend claim 15)

Precise Relief

NEC moves to correct an obvious error in its claim 15. Enclosed as a separate paper is an Amendment and Remarks.

Material Facts

- During a conference call with the judge and opposing counsel on May 25, 2005,
 NEC requested permission to amend claim 15 and Shin-Etsu consented.
- 2. The judge authorized NEC to file this motion by June 3, 2005, and in the resulting written Order dated May 25, 2005, the judge noted that, "Shin-Etsu stipulated to an amendment to NEC claim 15 to cure an obvious defect in the figure involving the number of bonds associated with the carbon bonded to R⁸." Paper 22 at 3.
- 3. The Amendment and Remarks filed with this motion (Appendix 1) cures the obvious defect.

Reasons for Requested Relief

Granting this motion will remove issues under 35 USC 112, ¶¶ 1-2 from the '297 interference and contribute to the just, speedy, and inexpensive resolution of this proceeding.

Dated: June 3, 2005

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